

Equality Law: Protected Characteristics / Grounds

Age

Age discrimination can relate to someone being a specific age (e.g. 70 years old) or within an age range (e.g. a young adult). There are exceptions for children within education and where legislation places age limits on certain activities (e.g. it is not age discrimination to refuse to sell alcohol to those under the age limit).

Disability

A person has a disability if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. 'Physical impairment' covers long-term, fluctuating and progressive conditions. 'Mental impairment' covers mental health conditions, learning disabilities and learning difficulties. Anyone who has previously had an impairment is also protected from discrimination.

Organisations have a responsibility to make 'reasonable adjustments' for some who has a disability, except where they can demonstrate that reasonable adjustments are not possible in this instance. What is considered 'reasonable' may vary depending on the size, budget and facilities of an organisation.

Discrimination arising from disability occurs when someone is treated unfavourably because of something connected to their disability where it cannot be shown to be objectively justified.

Gender reassignment

This characteristic refers to anyone who is at any stage of a process of transitioning from one gender to another. This does not require them to have any medical procedure, nor to be intending to fully transition to a different gender. So, for example, someone who wears clothing that is consider standard for a gender that is not the same as their biological sex, would be protected by this characteristic. The term 'gender reassignment' can be seen as outdated, since it presumes that gender is something that is 'assigned' to us rather than being a part of our identity. Nevertheless, gender identity and gender fluidity are implicitly protected under this characteristic.

There are no religious exemptions to this protection.

Marriage and civil partnership

Being in a marriage or a civil partnership, including a same-sex marriage, is protected under equality law (except in Jersey). This means someone cannot be discriminated against on the grounds of being married or in a civil partnership. Those who are single are not protected under equality legislation.

There are no religious exemptions to this protection, nor can a religious organisation's own definition of marriage affect a person's legal rights. However, religious organisations can expect office holders to abide by their code of discipline (for example, the Roman catholic Church does not permit its clergy to marry).

Pregnancy and maternity

Pregnancy refers to the condition of being pregnant or expecting a baby, and maternity to the period after the birth of a child. In non-employment contexts, protection against maternity discrimination is for 26 weeks after giving birth. It includes treating someone unfavourably because they are breastfeeding.

Race

This protects people against inequality based on their skin colour, nationality or ethnic or national origins (in the Isle of Man, caste discrimination is also explicitly protected).

The Methodist Church rejects the racial theory that developed in Europe in the 17th Century, which divided humanity into different races with supposed biological differences. Instead, the Methodist Church affirms that we are all one human race. As such, the Methodist Church in Britain uses the term 'ethnicity' to refer to our differences in skin colour and national origins.

Religious belief

As well as religious beliefs, non-religious philosophical beliefs, such as atheism, are also protected, provided they are genuinely-held, cogent, serious, apply to a substantial aspect of human behaviour and are not incompatible with human dignity or the rights of others (for example, veganism is a protected belief).

Denominations, such as Methodism, are considered a religion for the purposes of equality law.

Everyone has the right to manifest their religion or belief, through example through clothing or symbols. However this right can be limited by an employer if it is necessary for the role. Religious and faith organisations can require officers to have faith or be subject to the discipline of the organisation, where it is relevant to their role. However for other roles, for example those that are purely administrative, this characteristic/ground applies. So in its role as an employer of administrative staff, it is unlawful for the Methodist Church to discriminate on the grounds of religious belief.

(This protection does not apply in Jersey).

Sex

Equality protects the rights of men and women, based on their sex. Those who are intersex, or whose gender identity does not align with their assigned biological sex, are also protected, but under the 'gender reassignment' protected characteristic.

Religious exemptions are permitted, but they must be related to the theology of the religion (e.g. the Roman Catholic Church is permitted not to have female priests). The Methodist Church is of the view that there should be no discrimination on the grounds of sex.

Sexual orientation

People are protected no matter whether they are attracted to people of the same sex, or a different sex from themselves, or both. Those who are asexual are not protected under equality legislation.

Religious exemptions are permitted, but they must be related to the theology of the religion. The Methodist Church provides for its clergy to not conduct same-sex marriages if their personal conviction is in opposition. In fact, no minister can be compelled to conduct any marriage. However, the Methodist Church does not permit sexual orientation to be a barrier to candidating for ministry or stationing and it permits its clergy to enter into same-sex marriages. Individuals are not permitted to ignore this based on their own personal theology. There is no right to exemption based on individual religious beliefs.